

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

DAVID KYLE ZUFALL,

Plaintiff,

v.

CIV 08-958 WJ/CG

ROBERT IRISH, Food Service Director,
GABRIALA LNU, Shift Supervisor,
REGINA MORRISON, Supervisor,
JUSTIN PORTER, Lieutenant,
CHRIS BARELA, Administrator,
VICKI GARCIA, Captain,
LLOYD BURNS, Lieutenant,
YOLANDA UNL, and
CORRECTIONAL OFFICER ALAYO,

Defendants.

ORDER REGARDING NOTICE,
PERSONAL SERVICE
&
TO SHOW CAUSE

This matter is before the Court on defense counsel's response to my prior order, and the lack of an answer by Defendant Alayo despite this Court having successfully sent him notice and waiver of service. *See Docs. 42-43, docket entry dated 8/20/09.* It appears to the Court that personal service of the summons and complaint on Defendant

Correctional Officer Alayo is required in this matter. See Fed. R. Civ. P. 4(c)(3).

Under Fed. R. Civ. P. 4(d)(2), the Court must impose costs of service on a Defendant who, without good cause, does not comply with a request to waive service.

IT IS THEREFORE ORDERED that summons be issued and the U.S. Marshal serve the summons and complaint personally on Defendant Correctional Officer Alayo as directed by the Clerk. The service of the summons and complaint shall be at no cost to the Plaintiff, who is proceeding under 28 U.S.C. § 1915.

IT IS FURTHER ORDERED that the Clerk substitute the first names for these Defendants in the caption: Justin Porter, Lieutenant; Vicki Garcia, Captain; and Lloyd Burns, Lieutenant.

IT IS FINALLY ORDERED that, within fourteen days of the receipt of this order, Plaintiff supply the Court with the addresses for the individual Aramark employee defendants Gabrielle Pena and Yolanda Alarcon who worked in the kitchen at the Dona Ana County Detention Center (if they are the Gabrielle LNU and Yolanda LNU Plaintiff intended to name) or otherwise show cause why they should not be dismissed for lack of service.

UNITED STATES MAGISTRATE JUDGE